

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHWESTERN DIVISION**

**KENNETH RAY GRIFFIN, JR.,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** ) **Case No.: 3:12-cv-03891-RDP-SGC**  
 )  
 **FREDDIE BUTLER, et al.,** )  
 )  
 **Respondents.** )

## MEMORANDUM OPINION


On December 18, 2015, the Magistrate Judge entered a Report recommending this petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, be denied as time-barred. (Doc. 18). Although the Report and Recommendation notified Petitioner, Kenneth Ray Griffin, Jr., of his right to file objections within fourteen (14) days of its entry, the court has not received objections.<sup>1</sup>

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge and **ACCEPTS** her recommendation. In accordance with the recommendation, the court finds the petition is due to be denied as time-barred. Additionally, for the reasons stated by the Magistrate Judge, a certificate of appealability under Rule 11 of the *Rules Governing 2254 Proceedings* is **DENIED**.

A separate order will be entered.

<sup>1</sup> On January 22, 2016, a member of the Magistrate Judge's staff received a telephone call from an individual identifying himself as Petitioner. Petitioner stated his objections had been returned to him as undeliverable. The staff member provided Petitioner with the court's address and instructed him to mail the objections as soon as possible. Over a month has passed since that conversation and no objections have been received.

**DONE** and **ORDERED** this February 26, 2016.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE